

ENTERED

May 05, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL ACTION NO. 7:19-cv-00339
	§	
117.543 ACRES OF LAND, MORE OR	§	
LESS, SITUATE IN HIDALGO COUNTY,	§	
TEXAS; and JOSE RAMIREZ JR.,	§	
	§	
Defendants.	§	

ORDER

The Court now considers the parties' "Joint Motion to Continue Evidentiary Hearing."¹ Following the parties' status conference wherein the parties requested an evidentiary hearing on the issue of just compensation in this case,² this Court entered an order setting the hearing for May 12, 2020.³ The parties now jointly move to continue the hearing for 90 days, given the difficulties created by COVID-19 "to both parties in preparing for the hearing, attending the hearing, and ensuring the health and safety of all parties required at the hearing."⁴ Among other reasons, the parties point out that Defendant "is a 92-year-old individual" with Chronic Obstructive Pulmonary Disease (COPD) which places Defendant Jose Ramirez Jr. at greater risk of serious health complications if he were to contract COVID-19.⁵ "Preparing Defendant and Defendant's witness for an evidentiary hearing on May 12, 2020 would require them to engage in a process that would subject them to additional risk of contagion and complications."⁶ The

¹ Dkt. No. 21.

² See Minute Entry (Mar. 10, 2020).

³ Dkt. No. 20.

⁴ Dkt. No. 21 at 1–2, ¶¶ 3–4.

⁵ *Id.* at 4, ¶¶ 12–15.

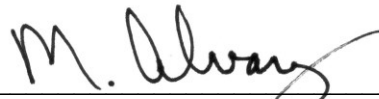
⁶ *Id.* at 5, ¶ 17.

parties attach a doctor's note that counsels against Defendant Jose Ramirez Jr. traveling out of his home.⁷

This Court has wide latitude to grant continuances and reschedule trial dates.⁸ The Court takes judicial notice of the proclamations and orders of various authorities recognizing the COVID-19 pandemic and limiting travel and person-to-person contact.⁹ The Court finds good cause in the joint nature of the motion and the need to reduce health risks to Defendant while the threats to Defendant's respiratory health posed by COVID-19 are pervasive. Accordingly, the Court **GRANTS** the parties' joint motion¹⁰ and **CONTINUES** the evidentiary hearing in this case to **August 11, 2020 at 9:00 a.m.**

IT IS SO ORDERED.

DONE at McAllen, Texas, this 5th day of May 2020.



Micaela Alvarez
United States District Judge

⁷ See Dkt. No. 21-1.

⁸ See *United States v. Hughey*, 147 F.3d 423, 431 (5th Cir. 1998).

⁹ See Proclamation No. 9994, 85 Fed. Reg. 15,337 (Mar. 13, 2020) (Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak); Tex. Exec. Order No. GA-18 (eff. Apr. 27, 2020) (Relating to the expanded reopening of services as part of the safe, strategic plan to Open Texas in response to the COVID-19 disaster); Hidalgo Cty., Tex., *Amended Emergency Order Related to the Expanded Reopening of Select Services During the Public Health Emergency (20-005)* (eff. Apr. 30, 2020), <https://www.hidalgocounty.us/DocumentCenter/View/37546/04302020-Amended-Emergency-Order-20-005-Executed; In re Temporary Public Access Restrictions to the United States Courthouse McAllen Division Under the Exigent Circumstances Created by the COVID-19 Pandemic>, Gen. Order No. M-2020-3 (S.D. Tex. Apr. 3, 2020).

¹⁰ Dkt. No. 21.